

P/3426-21

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Carl L. C. Kah, Jr., et al.

Date: May 12, 2006

Serial No.: 10/015,588

Group Art Unit: 3752

Filed: December 17, 2001

Examiner: HWU, Davis. D.

For: **ROTARY DRIVE SPRINKLER WITH FLOW CONTROL AND SHUT OFF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

VIA FACSIMILE (571) 273-8300

INFORMATION DISCLOSURE STATEMENT

Sir:

Submitted herewith is a copy of art together with a form listing the same for the convenience of the Examiner.

The attached U.S. Patent 6,802,458 and the accompanying April 18, 2006 letter represent an unsubstantiated assertion of priority of invention against the present application.

Applicants do not believe there is any valid basis for the assertion of priority of invention in view of the claim herein to the benefit of the December 15, 2000 filing date of U.S. Provisional Application 60/255,742 and the fact that the owner of the '458 patent has not provided evidence to support its claim.

Nor is the '458 patent a proper reference against the present application under any subsection of 35 U.S.C. §102 or 35 U.S.C. §103. To the contrary, on its face, the present application, as published, is a reference under 35 U.S.C. §102(e) against the '458 patent.

As such, there does not appear to be any basis under 37 C.F.R. §1.56 for disclosing this information. Nevertheless, it is being disclosed as a precaution.

I certify that each item of information contained in this submission was not received by any individual designated in 37 C.F.R. 1.56(c) more than 30 days prior to the filing of this Submission.

In the event a fee is required or if any additional fee due during the pendency of this application is not paid, the Patent and Trademark Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

I hereby certify that this correspondence is being transmitted by Facsimile to (571) 273-8300 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Respectfully submitted,

Lawrence A Hoffman  
Name of applicant, assignee or  
Registered Representative

Lawrence A Hoffman  
Signature

May 12, 2006  
Date of Signature

LAH:lac

Lawrence A Hoffman  
Lawrence A Hoffman  
Registration No.: 22,436  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700

APPLICANT'S ART CITATION (Use several sheets if necessary)		Application 10/015,588		OFGS File No. P/3426-21			
		Applicant Carl L.C. Kah, Jr., et al.					
		Filing Date December 17, 2001		Group Art Unit 3752			
U.S. PATENT DOCUMENTS (not submitted for applications filed after 6/30/03)							
Examiner Initial	Document Number	Date MM-YYYY	Name	Class	Sub-class	Filing Date If Appropriate	
	US-6,802,458	10-2004	Gregory	239	205		
	US-						
	US-						
	US-						
	US-						
	US-						
	US-						
	US-						
	US-						
FOREIGN PATENT DOCUMENTS							
	Document Number	Date MM-YYYY	Country	Class	Sub-class	Translation	
						Yes	No
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	1.	Letter dated April 18, 2006 from John D. Bauersfeld, Esq. of Fitch, Even, Tabin & Flanner to Carl ("Chip") L.C. Kah, III of K-Rain Manufacturing Corporation, 2 pages.					
Examiner		Date Considered					
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.							